

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY WILLIAMS

Plaintiff,

v.

ALAMEDA SHERIFFS DEPARTMENT,

Defendant.

No. C 13-4638 EDL (PR)

**ORDER GRANTING
DEFENDANT'S MOTION FOR
EXTENSION DENYING
MOTION TO APPOINT
COUNSEL**

Plaintiff proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Defendant has filed a motion for an extension to file a dispositive motion that will be granted. Plaintiff has requested the appointment of counsel.

There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff appears able to present his claims adequately, and the issues are not complex. Therefore, the motion to appoint counsel will be denied.

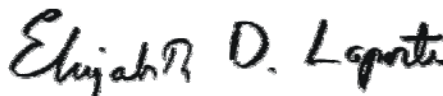
CONCLUSION

1. GOOD CAUSE APPEARING, it is hereby ordered that defendant's request for an extension (Docket No. 12) is **GRANTED**. Defendant may have until **May 1, 2014**, to file a dispositive motion.

2. Plaintiff's motion to appoint counsel (Docket No. 7) is **DENIED**.

IT IS SO ORDERED.

Dated: March 12, 2014.



ELIZABETH D. LAPORTE
United States Chief Magistrate Judge

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